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Class Actions, ERISA, Insurance Law

#### **Merrimon v. Unum Life Insurance Company, No. 13-2128**

In a class action brought under the Employee Retirement Income Security Act (ERISA), arising out of defendant-insurer's redemption of claims on ERISA-regulated life insurance policies through the establishment of retained asset accounts (RAA), the district court's judgment is: 1) affirmed in part, where the defendant-insurer's use of RAAs in the circumstances of this case did not constitute self-dealing in plan assets; but 2) reversed in part, where the defendant-insurer's use of RAAs did not breach any duty of loyalty owed by the insurer to the plaintiff class.

Criminal Law & Procedure, Sentencing

#### **US v. Rogers, No. 12-1639**

Following remand from the U.S. Supreme Court, the restitution order requiring defendant to pay \$3,150 to the child pornography victim who appeared in at least nine video clips found on his computer is affirmed, where: 1) the Supreme Court's recent decision, *Paroline v. United States*, 134 S. Ct. 1710 (2014), requires district courts to determine the amount of the victim's losses caused by the continuing traffic in the victim's images then set an award of restitution in consideration of factors that bear on the relative causal significance of the defendant's conduct in producing those losses; and 2) in applying *Paroline* here, the order is not an abuse of discretion.

Criminal Law & Procedure, Evidence

#### **US v. Arnott, No. 13-1881**

The district court properly denied defendant's motion to suppress evidence of drugs seized during a traffic stop and his incriminating roadside statements, where: 1) this case can appropriately be treated as a Terry stop under *Terry v. Ohio*, 392 U.S. 1, 19-20 (1968), which requires only reasonable suspicion as a predicate for the officer's actions; 2) adequate reasonable suspicion justified stopping defendant's vehicle; 3) the totality of the circumstances gave the officer reasonable grounds to suspect that the defendant might be dangerous, and thus, he had an adequate security-related ground to pat the defendant down for weapons; 4) seizing the oxycodone pills as part of the search was also reasonable; and 5) the officer's questioning did not approach (let alone cross) the outer bounds of a Terry stop.

Immigration Law

**Shah v. Holder, No. 13-1905**

A petition for review of an order of the Board of Immigration Appeals (BIA) denying petitioner's motion to reopen removal proceedings is: 1) denied in part, where the BIA did not abuse its discretion in denying the motion to reopen; and 2) dismissed in part, where the court does not have jurisdiction to consider freshly minted arguments not presented to the agency.